

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOHN DOE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 7:21cv378
)	
VIRGINIA POLYTECHNIC INSTITUTE)	
AND STATE UNIVERSITY,)	
)	
Defendant.)	

CONSENT MOTION FOR EXTENSION

Defendant Virginia Polytechnic Institute and State University, by counsel, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully requests entry of an Order extending the time within which Defendant must file its responsive pleadings to plaintiff's Second Amended Complaint, ECF No. 86.

1. On June 26, 2023, the Court entered an Order granting plaintiff leave to file an amended complaint. ECF No. 79.

2. In the same Order, the Court directed plaintiff to file his amended complaint on or before July 24, 2023, and directed Defendant to respond on or before August 28, 2023. Id.

3. Plaintiff then requested, and the Court granted, an extension of time to file his amended complaint. ECF No. 84; ECF No. 85.

4. Plaintiff's motion and the Court's Order were silent as to the deadline for Defendant's responsive pleadings. Id.; ECF No. 85.

5. In light of the extension of time afforded to plaintiff to file his amended complaint, Defendant requests a corresponding extension to file its responsive pleadings.

6. Rule 6(b) of the Federal Rules of Civil Procedure permits the Court to extend the time an act may or must be done if a request is made before the original time expires upon a finding of good cause. Fed. R. Civ. P. 6(b)(1)(A).

7. Defendant's motion is made in good faith and is not filed for the purpose of delay.

8. Defendant's motion is filed prior to the expiration of the deadline for Defendant to file responsive pleadings.

9. Plaintiff consents to Defendant's motion.

10. Accordingly, for the reasons set forth above, good cause exists for extending the time for Defendant to file its Answer.

11. A proposed Order is enclosed.

For the foregoing reasons, Defendant respectfully requests entry of an Order extending the time for Defendant to file its responsive pleadings to the Second Amended Complaint through and including September 27, 2023, and granting such further relief as the Court deems just and proper.

Respectfully submitted,

VIRGINIA POLYTECHNIC INSTITUTE AND
STATE UNIVERSITY

/s/
Katherine C. Londos (VSB #: 36848)
Nathan H. Schnetzler (VSB #: 86437)
FRITH ANDERSON + PEAKE, P.C.
29 Franklin Road, SW
P.O. Box 1240
Roanoke, Virginia 24006-1240
Phone: 540/772-4600
Fax: 540/772-9167
Email: klondos@faplawfirm.com
nschnetzler@faplawfirm.com



Kay Heidbreder (VSB No.: 22288)
University Legal Counsel and
Senior Assistant Attorney General
heidbred@vt.edu
M. Hudson McClanahan (VSB No.: 46363)
hud3@vt.edu
Kristina J. Hartman (VSB No.: 92279)
kjhart06@vt.edu
Stephen F. Capaldo (VSB No.: 74045)
scapaldo@vt.edu
Associate University Legal Counsel and
Assistant Attorney General
University Legal Counsel (0121)
Burruss Hall, Suite 236, Virginia Tech
800 Drillfield Drive
Blacksburg, VA 24060
Phone: (540) 231-6293
Fax: (540) 231-6474

*Counsel for Virginia Polytechnic Institute and
State University*

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to all counsel of record and have emailed a copy to plaintiff at the email address believed to be used by plaintiff.

/s/ Nathan H. Schnetzler
Of Counsel

